

## **REMARKS**

Applicants thank Examiner for allowing claims 4, 5, and 14-24. Claims 1-33 are pending in this application. Amendments have been made to claims 1, 27, and 31. In particular, the claims have been amended to more positively recite the subject matter previously included in the "wherein" clauses of each claim. No new matter has been added. Applicants respectfully request reconsideration and allowance of claims 1-3, 6-13, and 25-33.

### **Claim Rejections**

Claims 1-3, 6-10, 12, 13, 25-27, and 29-33 have been rejected under 35 U.S.C. 102(b) as being anticipated by Lanquist (U.S. 5,671,273, hereinafter "Lanquist"). Applicants respectfully traverse the rejection.

Claim 1 recites, in part, an interface device having the ability to alternately test or monitor a circuit. The interface device includes a switch that may be selectively placed into at least one of a first and second position. The interface device connects to the telecommunication circuit at a point. Placing the switch into the first position enables operation of the circuit to be monitored without disrupting the circuit. The ability to monitor without disrupting the circuit enables a user to monitor the active circuit from the jack. Placing the switch into the second position disrupts operation of the circuit and permits analysis of the circuit on opposite sides of the point.

None of the cited references disclose or suggest the ability to monitor an active circuit. Lanquist discloses a network interface device enabling a user to switch between an unmonitored, active circuit and a monitored, interrupted circuit. Lanquist, however, fails to disclose or suggest an interface device that monitors the operation of an active circuit. Rather, when the switch 30 is in an upright position, the test jack is active for testing, but the subscriber terminals are disconnected. See, *e.g.*, col. 4, lines 1-9. When the switch 30 is depressed in Lanquist, the test jack 41 is out of (i.e., or disconnected from) the circuit. See, *e.g.*, col. 3, lines 54-64, and col. 1, lines 47-59. For at least these reasons, therefore, Lanquist does not anticipate claim 1.

Claims 2, 3, 6-10, 12, and 13 depend from claim 1 and are allowable for at least the same reasons. Applicants do not otherwise concede the correctness of this rejection and reserve the right to make additional arguments if necessary.

Claim 25 recites, in part, a method of testing a telecommunication circuit including monitoring an operation of the telecommunication circuit without disrupting it. In contrast, Lanquist discloses disrupting the connection between the network wiring and the subscriber wiring terminals while testing the network wiring. When the switch is in the first position, the network wiring is placed into electrical communication with the test jack, but not with the set of subscriber wiring terminals. *See e.g.*, col. 1, lines 47-59. When the switch is placed in the second position, the network wiring is placed into electrical communication with the set of subscriber terminals, but not with the test jack. *See e.g., id.* Therefore, for at least these reasons, Lanquist does not anticipate claim 25.

Claim 26 depends from claim 25 and is allowable for at least the same reasons. Applicants do not otherwise concede the correctness of this rejection and reserve the right to make additional arguments if necessary.

Claim 27 recites, in part, an interface device for testing multiple communication circuits including a switch that may be selectively placed into one of multiple positions, any one of which can be selected, by control of the switch, for either testing or monitoring. Selecting a circuit for monitoring does not disrupt the circuit. Therefore, Lanquist does not anticipate claim 27 for at least the same reasons as discussed above with respect to claims 1 and 25.

Claims 28-30 depend from claim 27 and are allowable for at least the same reasons. Applicants do not otherwise concede the correctness of this rejection and reserve the right to make additional arguments if necessary.

Claim 31 recites, in part, an interface device for attachment to a diagnostic tool. The diagnostic tool can select one of multiple communication circuits for either testing, which disrupts the circuits, or monitoring, which does not disrupt the circuit. Therefore, Lanquist does not anticipate claim 31 for at least the same reasons as discussed above with respect to claims 1 and 25.

Claims 32 and 33 depend from claim 31 and are allowable for at least the same reasons. Applicants do not otherwise concede the correctness of this rejection and reserve the right to make additional arguments if necessary.

Claim 11 has been rejected under 35 U.S.C. 103(a) as being obvious over Lanquist in view of Suffi et al. (U.S. 6,039,578, hereinafter "Suffi"). Applicants respectfully traverse this rejection.

Claim 11 depends from claim 10, which depends from claim 1. Therefore, claim 11 is allowable over Lanquist for at least the same reasons as discussed above with respect to claim 1. Suffi does not overcome the shortcomings of Lanquist. When connected to the communication circuit, the interface device disclosed in Suffi enables testing of the circuit. However, the network interface device in Suffi is disconnected from the communication circuit when the circuit is not being tested. *See e.g.*, col. 2, lines 52-54 and col. 4, lines 64-67. When disconnected, the network interface is passive and nonfunctional. *See id.* Suffi does not disclose or suggest the ability to monitor an active circuit.

Lanquist, therefore, would not lead a person having skill in the art to the invention of claim 11, even in view of Suffi. Applicants do not otherwise concede the correctness of this rejection and reserve the right to make additional arguments if necessary.

Claim 28 has been rejected under 35 U.S.C. 103(a) as being obvious over Lanquist. Claim 28 depends from claim 27 and is allowable for at least the same reasons as discussed above with respect to claim 27. Applicants do not otherwise concede the correctness of this rejection and reserve the right to make additional arguments if necessary.


### **Conclusion**

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

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